

PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE UNITED STATES DEFARIMENT OF COMMI United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.C. Box 1450 Alexandria, Viginia 22313-1450 www.usplusgov.

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/826,156

HIGH STREET TOWER

125 HIGH STREET BOSTON, MA 02110

TESTA, HURWITZ & THIBEAULT, LLP

021323

04/16/2004

Eugene A. Fitzgerald

ASC-023C2

CONFIRMATION NO. 8574

FORMALITIES LETTER

OC000000013086439

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted



Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

 Additional claim fees of \$338 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1238 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$338

09/01/2004 JBALINAN 00000005 10826156

01 FC:1001

770.00 NP

02 FC:1051

130.00 OP

■ \$86 for 1 independent claims over 3.

■ \$252 for 14 total claims over 20.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Fitzgerald.

SERIAL NO.:

10/826,156

GROUP NO.:

2811

FILING DATE:

April 16, 2004

EXAMINER:

Not yet assigned

TITLE:

CONTROLLING THREADING DISLOCATION DENSITIES IN

GE ON SI USING GRADED GESI LAYERS AND

PLANARIZATION

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any documents referred to as enclosed herein, are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of August, 2004.

Date

Carrah M. Malone

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

Transmittal (1 pg.); Fee Transmittal (1 pg.); Second Preliminary Amendment and Response to Notice to File Missing Parts (3 pgs.); Copy of the Notice to File Missing Parts (2 pgs.); a check in the amount of \$900.00; this Certificate of First Class mailing; and a return receipt postcard.

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TRAMBONITTAL FORM			Application Serial Number		\perp	10/826,156				
			Filing Date			April 16, 2004				
			First Named Inventor			Fitzgerald				
			Group Art U	Group Art Unit		2811				
			Examiner Name			Not yet assigned				
			Attorney Docket No.		T	ASC-023C2				
			Patent No.		\dashv	Not applicable				
			Issue Date			Not applicable				
ENCLOSURES (check all that apply)										
⊠ Fe	ee Transmittal Form	Ø	Copy of Notice	e to File Missing						
	Check Attached		Parts of Applic	cation		of Patent Appeals and Interferences				
	Copy of Fee Transmittal Form		Formal Drawin	ng(s)		Appeal Brief (in triplicate)				
⊠	Amendment/Response Preliminary (and Response to Notice to File		Request For C Examination (Transmittal			Status Inquiry				
	Missing Parts) After Final Affidavits/declaration(s) Letter to Official Draftsperson including Drawings [Total Sheets]		Power of Attor (Revocation of Terminal Disc	Prior Powers)		Return Receipt Postcard Certificate of First Class Mailing under 37 C.F.R. 1.8 Certificate of Facsimile Transmission under 37 C.F.R. 1.8				
	Petition for Extension of Time		Executed Declaration and Power of Attorney for Utility or Design Patent Application			Additional Enclosure(s) (please identify below)				
	Information Disclosure		Small Entity S	Small Entity Statement						
	Form PTO-1449 Copies of IDS Citations		CD(s) for large table or computer program							
	Certified Copy of Priority Document(s)		Amendment A	After Allowance						
	Sequence Listing submission Paper Copy/CD Computer Readable Copy Statement verifying identity of above		Request for Co Correction Certificate duplicate)	e of Correction (in						
CORRESPONDENCE ADDRESS				SIGNATURE BL	<u>oc</u>					
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, Li High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100			hibeault, LLP	Date: August 27, 2004 Reg. No. 50,773 Tel. No.: (617) 248-7453 Fax No.: (617) 248-7100						

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	Complete if Known					
	Application Serial Number	10/826,156				
	Filing Date	April 16, 2004				
	First Named Inventor	Fitzgerald				
	Group Art Unit	2811				
	Examiner Name	Not yet assigned				
	Attorney Docket No.	ASC-023C2				

METHOD OF PAYMENT	FEE CALCULATION (continued)					
1. A Payment Enclosed:	3. ADDITIONAL FEES					
☐ Check ☐ Money Order ☐ Other	Large	Small				
	Entity	Entity				
2. The Commissioner is hereby authorized to credit	Fee	Fee	Fee Description	Fee Paid		
or charge any fee indicated below for this submission	(\$)	(\$)	-	1		
to Deposit Account No. 20-0531.				1		
Required Fees (copy of this sheet enclosed).	130	65	Surcharge - late filing fee or oath	130.00		
				130.00		
Additional fee required under 37 CFR 1.16 and	50	25	Surcharge - late provisional filing fee	B		
1.17.			or cover sheet			
Overpayment Credit.	130	130	Non-English specification			
3. Applicant claims small entity status.	2,520	2,520	Request for ex parte reexamination			
FEE CALCULATION	110	55	Extension for reply within first month			
1. FILING FEE	420	210	Extension for reply within second			
I. Hibling LEE			month	l 1		
Large Entity	950	475	Extension for reply within third month			
	1480	740				
Fee (\$) Fee Description Fee Paid	1480	740	Extension for reply within fourth			
	2010	1005	month			
770 CT . C	2010	1005	Extension for reply within fifth month			
770 Utility filing fee 770.00	330	165	Notice of Appeal			
340 Design filing fee	330	165	Filing a brief in support of an appeal			
160 Provisional filing fee	290	145	Request for oral hearing			
	130	130	Petitions to the Commissioner			
	180	180	Submission of Information Disclosure	 		
Number Number Rate Amount			Statement			
Filed Extra	770	385	Filing a submission after final			
			rejection (37 CFR 1.129(a))			
Total Claims - 20 = x \$ 18.00 = .00	770	385	For each additional invention to be			
- 20 X \$ 18.00 - ,00	770	303	examined (37 CFR 1.129(b))			
Independent	100	100	Certificate of Correction for			
Claims - 3 = x \$ 86.00 = .00	100	100	applicant's error			
-3- <u> </u>	110	55				
☐ Multiple Dependent Claim(s), if any \$290.00 =			Submission of Terminal Disclaimer			
Multiple Dependent Claim(s), if any \$290.00 =	Other fee (Sp	• .				
momut on	Other fee (Sp	ecity)				
TOTAL: .00						
SMALL ENTITY DISCOUNT:				•		
SUBTOTAL (1) (\$) 770.00	=					
2. AMENDMENT CLAIM FEES						
Claims Highest No. Present Rate Fee Paid			SUBTOTAL (3) (\$)	130.00		
Remaining Previously Extra						
After Amend. Paid For				•		
Tatal 1 20 0 4 1000 0			~			
Total 1 $-20 = 0$ $x \$ 18.00 = 0$			SUBTOTAL (1)	.00		
Indep. 1 $-3 = 0$ $x $86.00 = 0$			SUBTOTAL (2)	.00		
First Presentation of Multiple Dep. + \$290.00 =			SUBTOTAL (3)	.00		
Claim						
TOTAL: (\$)0.00						
SMALL ENTITY DISCOUNT: (\$)0.00						
SUBTOTAL (2) (\$)0.00			TOTAL (\$)	900.00		
CORRESPONDENCE ADDRESS	SIGNATURE BLOCK					
Direct all correspondence to:			Respectfully submitted,			
Patent Administrator	l., .	. 05. 6007	111			
Testa, Hurwitz & Thibeault, LLP	Date: Augus			_		
High Street Tower-125 High Street	Reg. No.: 50		Mark L. Beloborodov			
Boston, MA 02110	Tel. No.: (61	17) 248-745	3 Attorney for the Applicants			
	Fax No.: (6		Testa, Hurwitz & Thibeault,	LLP		
Tel. No.: (617) 248-7000	High Street Tower-125 High Street					
Fax No.: (617) 248-7100			Boston, MA 02110	2		
	<u> </u>		205ton, WIA 02110			